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FBI, CIA agree to curbs on domestic spying in Chicago

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Chicago soon could have a precedent-setting legal agreement to curb domestic spying.

The agreement grows out of six years of court battles that progressively disclosed a network of undercover surveillance carried out by the police, the Federal Bureau of Investigation (FBI), and the Central Intelligence Agency (CIA) here.

The case began in 1974, when the Alliance to End Repression (AER) and 31 others — including individuals and civil rights and religious groups — joined in a class-action suit charging police with widespread illegal surveillance and disruption of legal political activities.

A Cook County grand jury report the following year warned of the emergence of "all the earmarks of a police state."

US District Judge Susan Getzendanner is reviewing a compromise agreement drawn up between federal lawyers and local organizations led by the AER and the American Civil Liberties Union.

If approved by the judge, the agreement will provide Chicago with "more significant and extensive civil liberties safeguards than are legally effective anywhere else in the country," according to Morton Halperin, a Columbia University political science professor who heads the Washington-based Center for National Security Studies.

In an affidavit supporting the proposed agreement, Dr. Halperin lists four legally enforceable principles that would govern future FBI domestic security activities in Chicago:

- "No political spying: FBI domestic security investigations shall concern only conduct violating federal criminal law, or state criminal law when authorized by Congress, and cannot be based solely on the exercise of First Amendment or other legal rights."

- "No political disruption: The FBI shall not use techniques designed to impair lawful and constitutionally protected political conduct, or to defame character or reputation."

- "Minimal intrusion: The FBI shall conduct investigations with minimal intrusion consistent with timely and effective investigation."

- "Minimize First Amendment data-gathering: The FBI shall conduct investigations in a manner reasonably designed to minimize unnecessary collection and recording of information about the lawful exercise of First Amendment rights."

In regard to the CIA, a court summary promises legal enforcement if the terms are approved by the court and states that "CIA activities in Chicago shall comply with the United States Constitution and all applicable laws and regulations. The settlement with the CIA would require it to comply with a law which prohibits it from exercising internal security functions."

Under the agreement, Chicago residents for the first time would be able to force FBI compliance through court order if the court finds "a pattern of substantial noncompliance or a serious intentional noncompliance."

In the agreement, the FBI admitted admitted that "between approximately 1948 and 1966 special agents of the FBI committed "at least 500 black-bag jobs in the Chicago area."

The agreement explains these warrantless entries and searches "were conducted to gather intelligence information rather than to obtain evidence for use in criminal prosecutions."

The FBI's admission contrasts with FBI testimony to a Senate investigating committee in 1975 claiming only 239 warrantless break-ins throughout the entire country.

Similar court challenges in New York, Detroit, Seattle, and Los Angeles are adding to the picture of large-scale domestic spying activities.

But along with helping to document past abuses, the Chicago case shows that domestic surveillance activities declined substantially in recent years.

The agreement credits the change to guidelines issued by the President, the US attorney general, the FBI, and the CIA.

Federal attorneys say the Chicago agreement simply restates what the FBI and CIA already have achieved internally.

But civil rights attorneys stress that the agreement — at least for Chicago — prevents the US government from dismantling its new restrictions.

Chicago's battle is not over, however. The Chicago Police Department has refused to join the agreement. So the case dealing with the Chicago police is set for trial in May.